

VOGUE

INDIA

YOUR LEGAL HAND BOOK

This book belongs to

.....



This handbook is an attempt to demystify legal provisions and spread legal awareness among women. It provides an overview of legal provisions that protect women in various situations and within various relationships—as wives, mothers, daughters, live-in partners, at the workplace and as citizens. The aim is to provide accurate information and give clarity about rights so that women do not suffer or lose their rights due to inadequate knowledge or misinformation. When women approach the Majlis Legal Centre after having faced grave injustice, they always tell us that if only they knew about their rights, they would not be in the position that they are in. We hope this book will reach out to all women so that they can stand up for their rights.

*—Flavia Agnes, founder and director,
Majlis Legal Centre*

A. FAMILY

I) DOWRY PROHIBITION AND CRUELTY TO WIVES

1. What is 'dowry'?

- Property, valuables or cash given by the bride to the groom or his family members is termed as 'dowry'. This could be before, during or after marriage, but in connection with the marriage. Giving or taking dowry is an offence
- Even if a demand for dowry is made, it is an offence. (However, gifts given during marriage out of free will and affection to the bride by her parents or relatives are not 'dowry'.)

2. Can you file a complaint against the husband's relatives for harassing you for dowry?

- Yes, complaint can be filed for dowry harassment not only against the husband, but also against his relatives. The complaint can be filed with the police under Section 498A of the Indian Penal Code (IPC). The maximum punishment for this offence is three years and also a fine.
- Even demanding dowry from the bride, her parents or relatives, by husband or his relatives is an offence which can be punished with imprisonment of up to six months or a fine

3. What does the law define cruelty as?

- Section 498A of IPC defines cruelty as any act of harassment which might drive a woman to commit suicide, or cause serious harm or danger to her life or to any part of her body which includes physical or mental harassment. This includes all acts of cruelty inflicted upon the woman and also includes harassing or forcing a woman to bring dowry. If, for any reason, you cannot complain yourself, someone else can file the complaint on your behalf.

4. Can a complaint under this section be made even if the cruelty, which is caused, is not in connection with a demand for dowry?

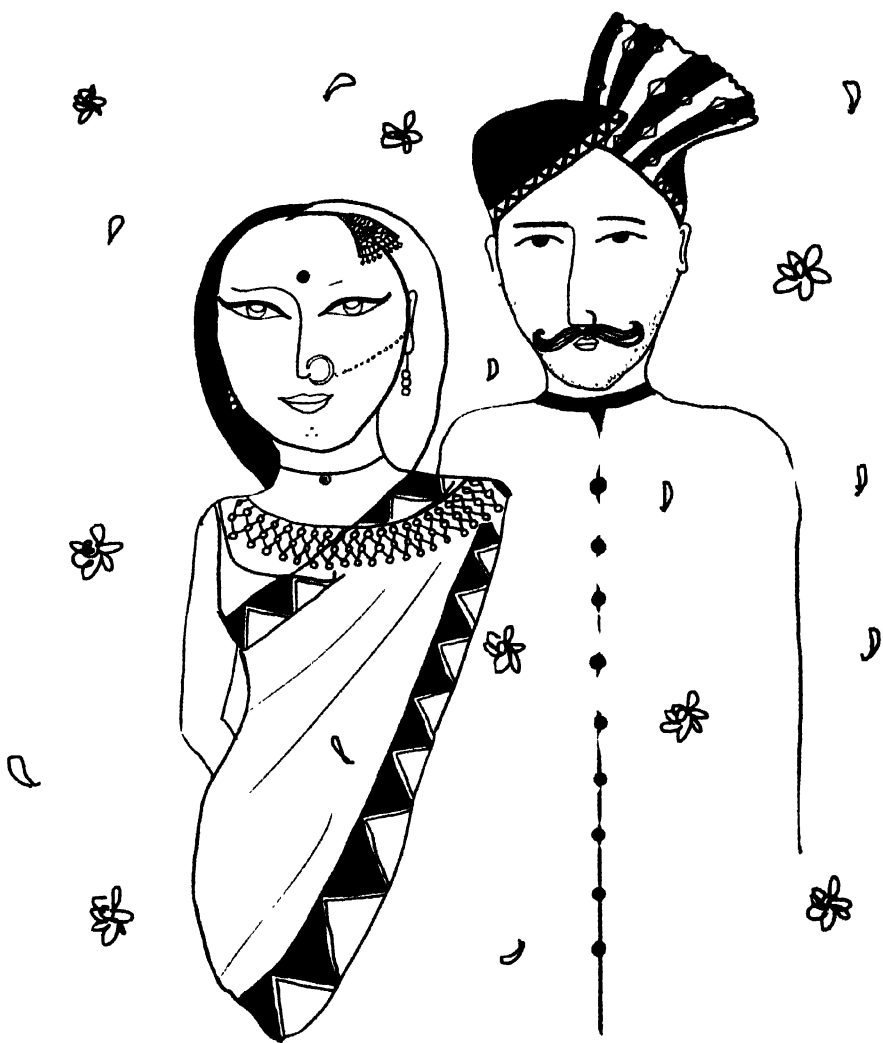
- Yes. If the woman is subjected to physical violence or mental cruelty, a complaint under this section can be filed, even if the harassment is not in connection with a demand for dowry.

5. Which court will hear your case?

- After the complaint is filed, the police will investigate the case and file a charge sheet in the Magistrate's Court (which is the lowest category of criminal courts) and this court will hear the case. You or your relatives can also directly file a case in the magistrate's court, without filing a police complaint.

6. What is 'dowry' death?

- If a woman dies as a result of harassment or cruelty caused due to a demand for dowry within seven years of her marriage, it is called 'dowry death'. This is a serious offence, which can be punished with a minimum of 7 years and a maximum of life imprisonment. The trial for this offence will be conducted by a higher court i.e. the Sessions Court. Even if a woman commits suicide due to the harassment caused to her, the husband and his family will be charged with the offence of abetment to suicide.



II) DOMESTIC VIOLENCE

1. What is domestic violence?

The Protection of Women from Domestic Violence Act, 2005 (Domestic Violence Act, for short) provides a very wide definition of domestic violence as follows:

- Physical abuse: Causing hurt to any part of your body or acts which cause danger to your life, affect your health in any way.
- Emotional abuse (mental cruelty): Any insults, humiliation, using abusive language, making allegations against your character, abusing or insulting your parents or other family members, humiliating you for not having children or for not producing a male child, etc.
- Sexual abuse: Forcing you to perform sexual acts against your wish, forcing you to have sex with other men, threatening to have sex with other women in your presence, etc
- Economic abuse: Not providing maintenance, depriving you of basic necessities, not providing for the children's expenses, not allowing you to access the bonds/securities/shares/assets in which you have interest; not allowing you to access the property you may own jointly, not allowing you to use your own stridhan, not allowing you to use any resource or facility you can use since you share the same house, forcing you to bring dowry or part with your own property or your salary, etc. If you have been subjected to any of the above acts by the male member of your family i.e. husband, father, brother or son, then you are entitled to claiming reliefs under the Domestic Violence Act.

2. What are the requirements for claiming relief under this Act?

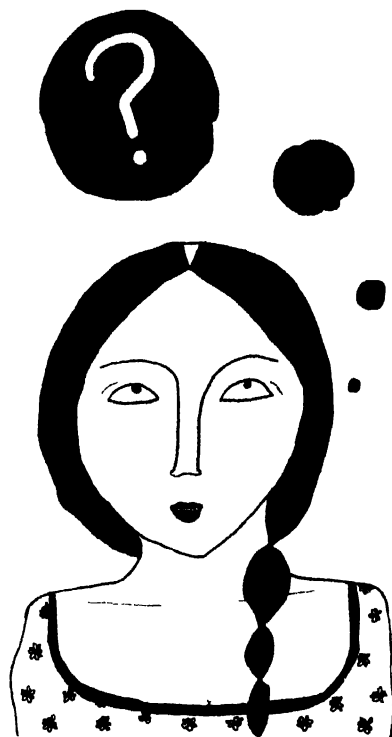
You must be or must have been in a domestic relationship with the Respondent. A 'domestic relationship' means that you live or have lived together in a house either because you are related by: (1) marriage (2) birth or blood (3) adoption (4) living together as a joint family—this could include even brother-in-law, father-in-law, etc or (5) living together in a marriage-like relationship

3. Who do you approach for relief under the Act?

The Government has appointed Protection Officers under this Act to help victims of domestic violence access all facilities provided under the Act including approaching a court for reliefs. If you are a victim, you may complain to the officer situated closest to your area. Generally, these officers are women.

- The Protection Officer will explain to you the reliefs you are entitled to seek under the Domestic Violence Act which includes

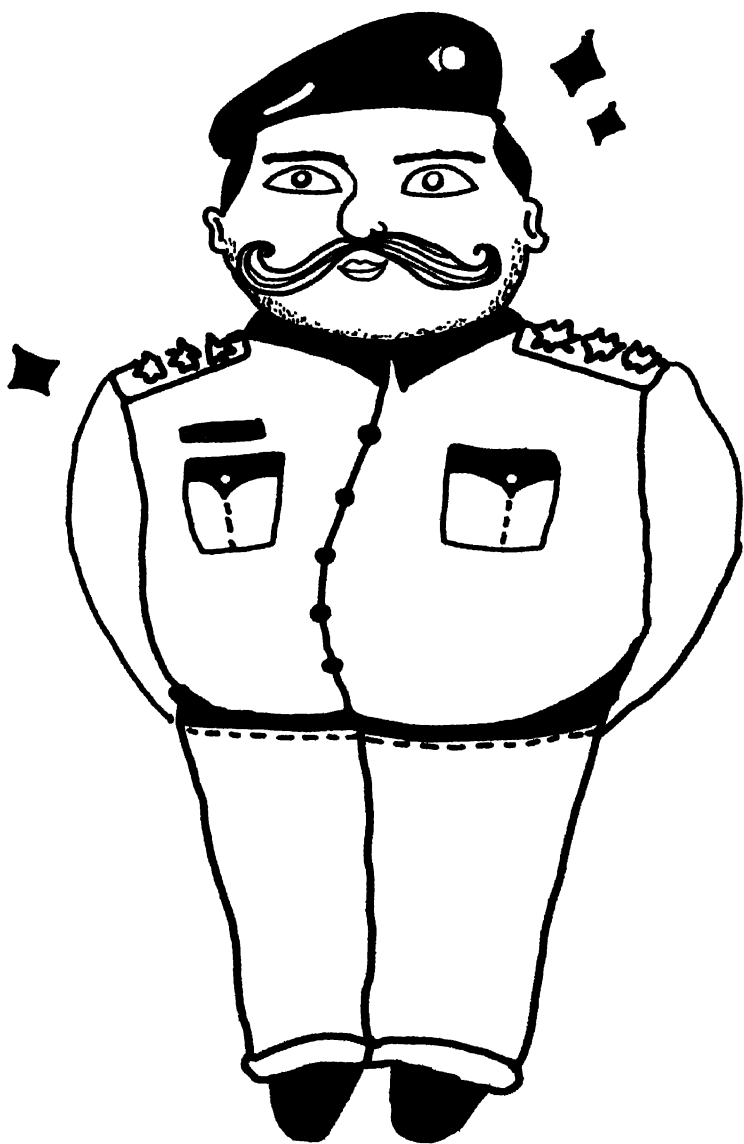
- (a) A protection order restraining the Respondent (opposite party) from causing any act of domestic violence against you.
- (b) A residence order protecting your right to reside in the shared household or restraining the Respondent from entering the house and causing harm to you
- (c) An order of maintenance for yourself and your children
- (d) An order protecting your right to custody of your children
- (e) An order for compensation of the harm caused to you due to acts of domestic violence.



- Explain to you that you are entitled to free medical aid or a safe shelter in case you wish to avail of these services
- Explain to you that you are entitled to free legal help.
- Explain to you that in case of physical or mental cruelty or dowry harassment, you can file a criminal complaint under Section 498A of IPC

4. What will the Protection Officer do to help you?

- The Protection Officer will help you to access the services, which you wish to avail of.
- Make a domestic incident report (DIR) as prescribed under the Domestic Violence Act. (This is to keep a record of the domestic violence caused to you.)
- If you wish to approach the court for appropriate reliefs, make an application to the Magistrate and help you to access the court for immediate reliefs like residence order or protection order.



5. What will be the next stage in the proceedings?

- The magistrate will order that the notice to the husband is served immediately and the husband will be asked to appear in court within three days of receiving the application from the Protection Officer
- The Magistrate may issue urgent orders to protect or provide safety for you or may ask the nearest police station to ensure your safety.
- May direct you or the person you have accused of violence to go to a counselor, if you so desire.
- May order for the return of your property, valuables, or belongings.
- May order for payment of (1) medical expenses (2) loss of earning during this violence (3) damage to property or loss caused by destruction (4) maintenance to you and your children.
- May order the Respondent to pay compensation for mental torture or emotional stress that you may have to undergo.

6. Would residence be a problem, since you are complaining against someone in your own house?

- All women in domestic relationships are entitled to reside in the same household, whether or not they have any title to the property of the shared household.
- The Respondent will be restrained by the order of the court from throwing you out of the shared household.
- If the magistrate is convinced that domestic violence has taken place, he/she may ask the Respondent
 - (a) To remove himself from the shared house
 - (b) Not enter the part of the house where you live and disallow his relatives from entering this part
 - (c) Restrain the Respondent from disposing or selling the shared house
 - (d) Order for arranging an alternate accommodation at the same level as you are used to
 - (e) Restrain him from giving up his right over the shared household.

7. What about custody of children?

The Magistrate may grant immediate custody of children to the applicant mother. The father may be granted visitation rights.

8. Which court would you have to approach for reliefs?

The Magistrate Court which is closest to:

- Where you reside permanently or temporarily or nearest to your place of business.
- Where accused resides or carries on business.
- Where the domestic violence has taken place.

9. Who will help you to enforce the court orders?

The Protection Officer will help the woman to enforce the court order. In case of difficulty the help of the police can also be taken to enforce the court orders. Strict action can also be taken for violating the court order.

III) MEDICAL TERMINATION OF PREGNANCY

1. Till when can the pregnancy be terminated?

- The pregnancy can be terminated up to 12 weeks if the medical practitioner (one doctor) is satisfied that:
 - a. The woman is at risk of suffering serious mental or physical harm if the pregnancy carries out.
 - b. If the child born would be suffering from physical or mental abnormalities or seriously handicapped

2. Can pregnancy be terminated beyond the time prescribed?

- The pregnancy can be aborted up to 20 weeks also if two doctors/medical practitioners are satisfied that:
 - a. The woman is at risk of suffering from serious mental or physical harm if the pregnancy carries out.
 - b. If the child born would be suffering from physical or mental abnormalities or seriously handicapped.

3. What does a woman do in case of pregnancy due to rape?

- When any pregnancy is caused by rape, law allows abortion of pregnancy because the pain and trauma is injurious to the mental health of a pregnant woman.

4. Can pregnancy be terminated if it is caused by failure of contraceptive device?

- Yes pregnancy caused due to failure of contraceptive device can also be terminated.

5. Can a girl who is below 18 years undergo an abortion?

- If a girl below the age of 18 is pregnant and wishes to abort the pregnancy, she would need the consent of her parent/guardian.

6. How can pregnancy be terminated in case the pregnant mother is suffering from a mental illness?

- If the pregnant mother is suffering from a mental illness, then the consent of the parent/guardian is obtained for terminating the pregnancy.

7. Who makes the decision of terminating the pregnancy? Can the husband force the wife to undergo an abortion against her wishes?

- No, the husband cannot force the wife to undergo an abortion. Pregnancy can be terminated only with the consent of the woman.





IV) PROPERTY/DIVORCE RIGHTS OF HINDU WOMEN

1. To whom does the Hindu law apply to?

The Hindu law applies to any person who is a :

- Hindu
- Buddhist
- Jain
- Sikh

2. What are the rights of a Hindu daughter?

- a. A daughter has the same rights over parental property as a son.
- b. She is entitled to the same share of property as a son during partition of the property.
- c. She has complete ownership over her property. She does not need anyone's permission to take decisions regarding her property
- d. An unmarried daughter is entitled to maintenance from her parents if she cannot maintain herself.

3. What are the rights of a Hindu wife?

- a. A wife has a right to shelter and maintenance from her husband. If the husband neglects to maintain her, she can enforce her rights by filing for maintenance under Section 125 of the Criminal Procedure Code or under the Domestic Violence Act.
- b. If the husband treats her with cruelty or commits any other matrimonial fault, she has a right to seek divorce or judicial separation.
- c. In the event of her husband's cruelty, bigamy, adultery etc. she has a right to live separately and claim maintenance from him
- d. Upon the death of her husband she has a right to an equal share of her husband's property along with the children.
- e. After her husband's death, in the event she is not able to maintain herself, she has a right to claim maintenance from her father-in-law.

4. What are the rights of a Hindu mother?

- a. A mother is entitled to maintenance from her children, if she cannot maintain herself.
- b. A mother is entitled to a share of her deceased son/daughter's property when it is divided.
- c. When she dies, all her children get equal share of her property.

V) PROPERTY/DIVORCE RIGHTS OF MUSLIM WOMEN

1. Daughter

- a. A Muslim daughter is entitled to be maintained by her father
- b. She inherits half of what her brother inherits.
- c. After divorce, she is entitled to maintenance from her parents, unless she has children who can maintain her.
- d. She has complete ownership over her property. She does not need anyone's permission to take decisions regarding her property.

2. Wife

- a. At the time of her marriage the Muslim wife is entitled to mehr, which can be prompt or differed. If it is prompt it must be paid immediately after the marriage. The amount of mehr is decided as per the status of the family.
- b. A Muslim wife is entitled to shelter and maintenance from her husband. She can enforce this right by filing for maintenance under Section 125 of the Criminal Procedure Code or under the Domestic Violence Act.
- c. In case of her husband's cruelty or her husband marrying second time, she is entitled to file for divorce under the Dissolution of Muslim Marriage Act or to take khula through a qazi.
- d. After divorce, a Muslim wife, is entitled to
 - Maintenance during the 'iddat' period.
 - To a fair and reasonable settlement for life
 - To the return of her mehr (in case the same has not been paid to her during the marriage), her belongings and all her properties
- e. A Muslim widow is entitled to 1/8th of her deceased husband's property if they have a child and 1/4th if there is no child.

3. Mother

- a. A mother is entitled to 1/6th of her son/daughter's property.

VI) PROPERTY/DIVORCE RIGHTS OF CHRISTIAN WOMEN

1. Daughter

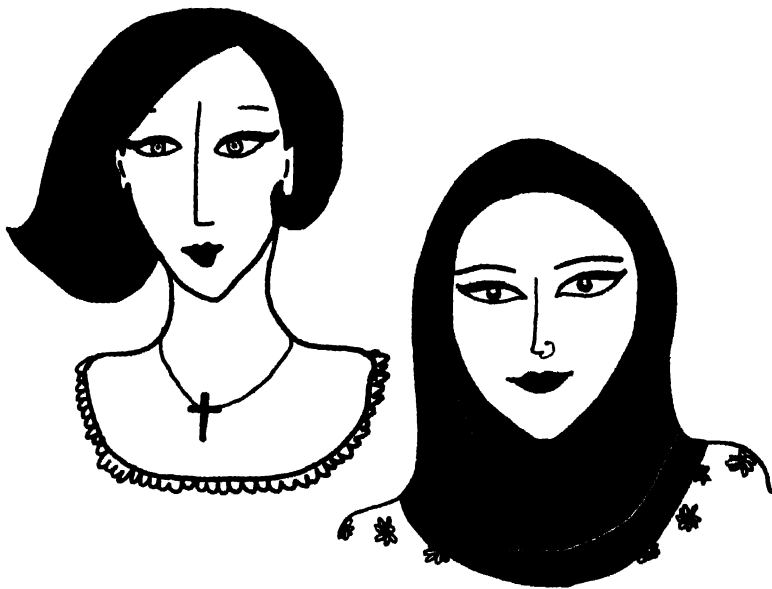
- a. An unmarried daughter is entitled to maintenance from her parents.
- b. A Christian daughter has equal rights over the parental property as a son.

2. Wife

- a. A Christian wife is entitled to shelter and maintenance from her husband.
- b. If the husband treats her with cruelty she can seek divorce from him.
- c. A Christian wife is entitled to inherit 1/3rd of her deceased husband's property. If there are no children, she is entitled to half the property.

3. Mother

- a. A Christian mother is entitled to inherit property from her deceased son/daughter.



VII) NRI MARRIAGES

1 Problems you may face with NRI marriages:

- Be cautious about getting married in a foreign country.
- Your husband may abandon you before he takes you to the foreign country, with the promise that he will send money for you to follow—which he may later fail to do.
- You may be physically or mentally assaulted for money.
- You may be pestered for dowry.
- You may find out that your husband is also married to someone else or is having an affair with someone else.
- You may land up there with little or no money and find you are alone with nowhere to go.
- You may find out that your husband has given you wrong information regarding his status/ house/job/financial standing.
- If your marriage is dissolved there, you may be sent back home (maybe even without the child you may have borne) and Indian Courts may not be able to order maintenance since the marriage has been dissolved in courts abroad. Avoid dissolving the marriage abroad.
- Make sure you do not fall for any schemes to obtain green cards/foreign passports through marriage.
- Do not finalise matters over phone calls, long-distance or through any agents.
- Do not finalise the marriage in secrecy, because then no one would be able to give you vital information on the groom.
- Do not forge papers or get into fake transactions.

B. RIGHTS AT THE WORKPLACE

I) SEXUAL HARASSMENT AT WORKPLACES

1. What is a workplace?

A workplace is any office, establishment including

- A hospital or nursing home.
- A sports institute/stadium or complex.
- Any place visited by you for work.
- A house where you work as a domestic worker.

2. Do not be a victim of sexual harassment at your workplace. Know the signs.

Does your employer or anyone else at your place of employment

- Make physical contact and advances?
- Demand any sexual favour?
- Make sexually coloured remarks?
- Force you to watch pornography?
- Make promises of promotion, raise in salary or other such special treatment in return for a sexual favour?
- Make threats of losing job, salary cut or other such unfavourable treatment unless sexual favour is granted?
- Interfere with your work or humiliate you and create an intimidating or hostile environment?

INTERNAL COMPLAINTS COMMITTEE

1. Compulsory in workplaces
with more than 10 employees

2. Located at your workplace

LOCAL COMPLAINTS COMMITTEE

Hears complaints if there is no internal
complaints committee

Officers located in rural areas:

Every block/taluka/tehsil

Urban areas: Ward/municipality

- File a complaint within three months of the date of the incident(s).

3. Cannot write?

- Do not worry. It is the duty of the Presiding Officer or any member of the Internal Committee, or Chairperson or any member of the Local Committee to assist you.

4. Could not meet the deadline?

- The internal/local committee can extend the limit up to three months if it is satisfied that circumstances prevented you from making a complaint in time.



5. Know someone who cannot file a complaint owing to physical/ mental incapacity?

- You can file a complaint for her, with her written consent.
- If she is unable to give consent due to a mental condition, then the complaint can so be filed by :
 - a. Any friend or relative
 - b. A co-worker
 - c. Any officer of the National Commission for Women or State Women's Commission
 - d. Any qualified psychiatrist/ psychologist

II) WORKING WOMEN AND THEIR RIGHTS

1. From what age can a child start working?

- Any child below the age of 14 cannot work. Any person who employs a child below the age of 14 can be punished up to one year and/or fined up to 20,000₹.

2. Are there any special provisions for working children?

- A child cannot work overtime.
- He/she cannot work between 7pm and 8am.
- Every child must get a weekly off.
- They cannot work in all kinds of workplaces; there is a process to decide which are suitable for children.
- A child cannot work more than six hours a day including his/her half-an-hour break

3. Can you be made to test for HIV AIDS before starting work at any place?

- No, you cannot be made to test for AIDS. Medical examinations taken before joining government sector jobs cannot include test for AIDS. In fact you don't even have to inform your employer that you have AIDS, unless the law specifically requires you to.

4. Are there special provisions for pregnant women?

- Every woman gets maternity benefits, which means that the employer pays her a salary even though she is absent. This facility should be available for women, no matter where they are working, including a farm/tea plant, governmental job, industrial job, corporate job, etc.

5. What happens if a woman has a miscarriage or has to abort her baby?

- Even then a woman is entitled to her salary during her absence.

6. What are the other provisions for pregnant women at workplaces?

- The employer cannot make her do any heavy work in her last month of pregnancy.
- She gets a leave of six weeks with full pay before her delivery and six weeks with full pay after her delivery.
- She should also be getting a medical bonus of 250₹ if the employer does not have medical facilities.
- These benefits are given even if the child dies before birth or during birth.
- If the woman has a miscarriage, she should get six weeks of leave with full pay after her miscarriage.
- If a woman falls sick during pregnancy or delivery, she can take a further month's leave.
- Till the baby is 15 months old, the worker must get time off twice a day to feed her baby.

7. What is the law regarding wages?

- There is a minimum wage for every work you do, fixed by the government, and you cannot be paid less than that.
- A man and woman should get paid equally.
- If a woman works extra, she should get double wages.
- An employee has to be paid in cash; only in agriculture can she be paid in other ways (Eg-grain etc.)
- An employee can be paid by the hour/day/month.



8. Are there any fixed hours of work by law?

- Law says that no worker can be asked to work more than nine hours a day.

9 What are the special benefits given to women working in a factory?

- If there are more than 30 women working in a factory, the employer must provide for crèche facilities.
- There should be separate bathroom and washroom facilities.
- A woman cannot be made to work more than 48 hours a week.
- Cannot be made to clean/oil machines.
- They cannot be made to work for more than five hours at a stretch.
- A woman must get one day of the week off.
- They cannot be made to lift more than a fixed amount
- The hours should be between 6am and 7pm.

C. PROTECTION OF WOMEN FROM CRIMES

I) RAPE

1. What constitutes 'rape'?

The 2013 amendments have defined rape in very broad terms. In addition to forcible sexual intercourse (peno-vaginal penetration) it includes the following:

- Vaginal, anal or oral penetration with penis, fingers, tongue etc. and insertion of objects such as sticks, rods, twigs, etc into a woman's body.
- 'Consent' of the woman to the sexual act must be free and voluntary. If it is obtained by force, threat, blackmail, under a false pretext, by threats of causing harm, injury or death to someone close to the woman, when she is under the influence of drugs or alcohol, if she is of unsound mind, if she is under the age of 18, the consent is not valid.
- If the Act is committed by a person in authority such as a doctor, warden, jailer, police, father, teacher, etc; if it is committed jointly by more than one person; if the child is under 12 years of age; if the rape results in pregnancy, brutal injuries, or causes HIV/AIDS, it will be 'aggravated rape'.

2. What should be kept in mind if you are a victim of rape?

- Do not take a bath because it would result in loss of important evidence.
- File a police complaint (FIR). It need not be filed by you. Your parent, relative or friend can file it.
- The police will send you for a medical examination at the earliest. Alternatively you can go directly to a public hospital for a medical examination.
- You need not go to the police station to record your statement. The police are required to come to your residence or any other place convenient to you for recording it

3. What should you keep in mind regarding the medical examination?

- The medical examination is to be done at the earliest, preferably within 24 hours.
- It cannot be done without your consent or the consent of someone on your behalf
- The doctor conducting the medical examination will make a report with all details regarding the name and age, consent given, DNA evidence found, etc. Ask the doctor for a copy of the medical report.

4. How will your confidentiality and dignity be maintained during the investigation and trial?

- It is against the law to reveal the name or identity of a rape victim. The police cannot disclose it to the media and the media cannot publish the same.
- The proceedings in court will be held behind closed doors (in-camera). The general public or even the reporters cannot come and watch the trial.



5. Can your husband rape you?
 - No, it will amount to sexual violence under the Domestic Violence Act, if the wife is under 15 years of age. If the husband has forcible intercourse with the wife who is living separately, it will amount to rape.
6. What is the punishment for rape?
 - A minimum of seven years for general rapes and a minimum of 10 years for aggravated cases. The maximum is life imprisonment for the remainder of one's life.

II) EVE-TEASING, STALKING AND OTHER CRIMES

1. What is eve-teasing?

- According to the Indian Penal Code, eve-teasing can be:
 - a. Any word, action or act that insults a woman's modesty.
 - b. Show of any object that insults a woman's modesty.
 - c. Even trying to utter some words or make some sound or showing any action or object that insults a woman's modesty.

2. What is the punishment for eve-teasing?

- Under Section 509, IPC, the punishment for eve-teasing is up to one year, with or without a fine.

3. When men sing obscene songs or use obscene words in any public place, can the woman file a complaint?

- Under Section 294 no one in a public place can:
 - a. Sing obscene songs
 - b. Use obscene words
 - c. Recite obscene poetry
- They can be punished with imprisonment for up to three months and may be fined.

4. Does eve-teasing also mean use of force?

- If a man forces, or tries to force a woman sexually, knowing that it will hurt her modesty, she can file a complaint with the police under Section 354. He can be imprisoned upto two years and may be fined.

5. What is stalking?

- Under Section 354D of the Indian Penal Code, stalking is if:
 - a. Some man contacts you or tries to contact you when you have made it clear you do not have any interest in being contacted by him.
 - b. A man tries to monitor you over the Internet or e-mail or any other electronic source of communication.
- This man could be put in jail for up to three years if it is a first offence, for repeat offenders it can be up to five years.
- However, it is not considered stalking if:
 - a. It is done to prevent or find out about some crime.
 - b. It is done under any law.
 - c. It is reasonable.
- A woman may file a complaint under section 354D of IPC if the conditions for stalking are satisfied.



6. Does the law protect a woman from someone obtaining pictures/videos/or simply watching her in a private act where she is exposed?

- Yes the law does protect her under Section 354C. If someone captures a picture or video of her or watches her in a case where she expects privacy, or she does not expect him to take these pictures or videos and broadcast it, then he can be put in jail for a minimum of one year and a maximum of three years, with or without a fine. The conditions that are to be satisfied are:

- a. It should be a private act and should have been conducted in a place where she would generally expect complete privacy.

- b. Where either:

- (a) her genitals/breasts/posteriors are exposed

- (b) are covered only by an underwear

- (c) she is using the toilet

- c. Or: If you allow someone to take pictures but not to broadcast them to third persons and he broadcasts them, this will also be illegal and punishable.

7. Very often, it is reported that a woman was forced to strip in public. What can she do to the people who were responsible for this?

- A complaint can be filed under Section 354B of IPC can be filed and the guilty persons will be punished with imprisonment for minimum of three years and a maximum of seven years.

III) PROCEDURAL RIGHTS

KNOW YOUR RIGHTS

1. Things you should know while filing a complaint:

- When you know of any offence committed, then you must go to the nearest police station stating that this offence (any act which is illegal according to law) has been committed.
- You have to file a written complaint called an FIR which means First Information Report, which must have the date, time and place of the illegal act; name and address of the person you are accusing/blaming for this offence; name of witnesses.
- If you give the complaint orally, then the police will write it down for you.
- It is the duty of the police to take down the complaint of any person who comes to them.

2. In case police refuse to file a complaint:

- You can send a letter in writing or by post to the Superintendent of the Police of your complaint.
- You can write a complaint to the Magistrate.

3. Rights during a trial:

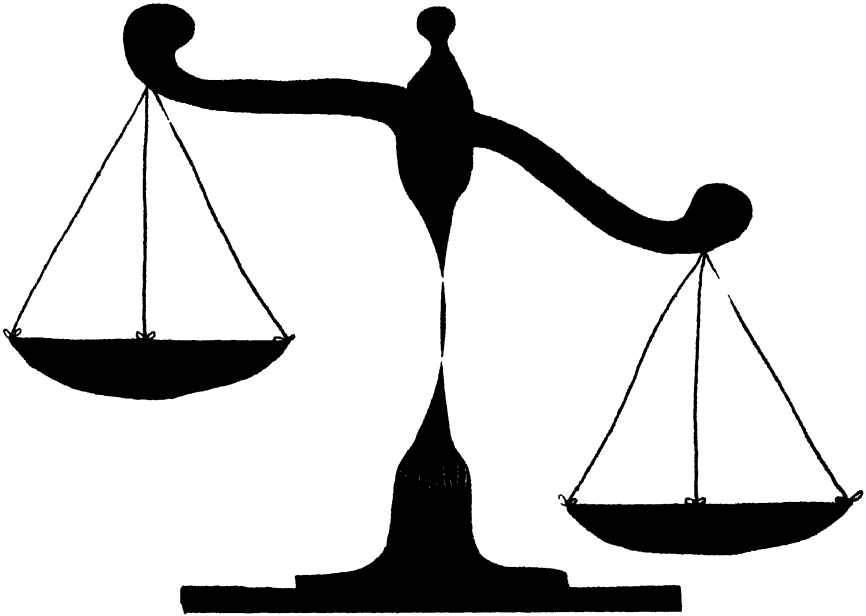
- Every person has a right to free legal aid.
- Every person has a right to have a lawyer present during trial.

4. Rights during arrest:

- The police cannot arrest you without telling you why you are being arrested.
- You have a right to know all the details of the arrest.
- It is the duty of the police to give information of your arrest—the time and the place—to your friends and relatives.
- Within 24 hours of your arrest, you have to be taken before a Magistrate.
- No woman can be arrested before sunrise and after sunset unless the police have got prior permission from the Magistrate.
- The police cannot handle you roughly or wrongly
- The police must tell you what you can do and what you cannot.
- You have the right to have a lawyer present from the time of your arrest.
- Only a female officer can search a woman. A male officer is not allowed to. However, a male officer can search the house of a woman.
- Searching of the house can only be done with a warrant.
- No police officer can torture or harm you.
- You have the right to know if the offence you have been arrested for allows bail to you or no. If it is bailable, the police can let you out on bail and if it is non-bailable you have to go to court to get bail.

5. Important to note :

- A woman cannot be questioned anywhere except her own house.
- A friend can be present to help you during investigation.
- You cannot be forced to answer questions.



IV) HUMAN TRAFFICKING

1. What is human trafficking?

- Human trafficking includes forceful sex work or slavery.

2. Things to note:

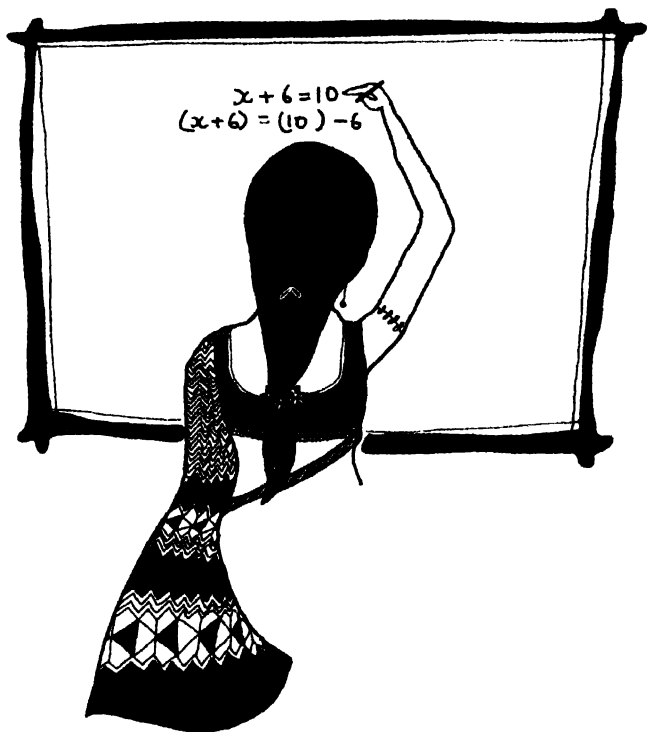
- Traffickers often try to trap women by tempting them with job offers and marriages.
- Traffickers sometime resort to kidnapping.
- The trafficked women are tortured, raped and treated cruelly.
- Women are forced into slavery or sex work.

D. RIGHTS OF A CITIZEN

I) RIGHT TO EDUCATION

1. Did you know?

- Every child of age 6-14 years has the right to free elementary education (classes 1 to 8).
- A school owned by the government has to provide free elementary education to all children admitted in the school.
- A school receiving aid/ grants from the government has to provide free elementary education to a minimum 25 per cent of their class strength.
- Unaided schools have to provide free elementary education to children from weaker sections and disadvantaged groups living within a 1km area around the school. These are explained below
- "Child belonging to weaker section" means a child belonging to either of the following:
 - a. Vimukta Jatis
 - b. Nomadic Tribes (VJNT),
 - c. Other Backward Classes (OBC)
 - d. Special Backward Classes (SBC)
 - e. The religious Minorities specified
 - f. Annual income of whose parent or guardian is below one lakh rupees.
- "Child belonging to disadvantaged group" means a child belonging to:
 - a. Scheduled Caste
 - b. Scheduled Tribe
 - c. Child with disability
- The schools are not allowed to differentiate between these students and the regular students such as:
 - a. Make them sit in different classes.
 - b. Hold classes at different timings or at different places
 - c. There should be no discrimination or difference made with regards to the uniform, books, library, extra-curricular, sports etc
 - d. Schools cannot differentiate between students with disabilities and other students.
 - e. The school is not allowed to ask for money from you or your child for the free seat given to you under Right to Education (RTE). If they do, please report it to the local authorities.
- 5. The school cannot make you pay any fee for the following:
 - a. Writing a test
 - b. Oral tests
 - c. Counselling
 - d. Interviews



- Every application made for a free seat under RTE has to be made only when the certificate of proof is obtained/submitted. The following is a list of certificates needed:
 - a. Birth certificate
 - b. Income certificate from a Revenue Officer (Tahsildar and above).
 - c. Caste certificate for the parents and child, made by the Deputy Collector or Sub-Divisional Officer (Revenue).
 - d. For disabled children, they have to have a certificate from the Civil Surgeon.
 - e. Proof of Residence: (a) UID Aadhar Card; (b) Passport; (c) Election photo ID card; (d) Electricity bill; (e) Water bill; (f) House tax receipt; (g) Driving License; in the name of the parents or guardians.
- A school cannot deny admission to a child just because he does not have a birth certificate.
- A school cannot expel a child before completion of his elementary education.
- A school cannot hold back a child before completion of his elementary education.
- In case of complaints, you should approach the local authorities.

I) RIGHT TO INFORMATION

1. Who has the right to information?

- All citizens of India have the right to information.

2. What information do you have the right to?

- Under the Right to Information Act, you have the right to :
 - a. Inspect documents, records and public works.
 - b. Take notes, extracts or certified copies of documents or records.
 - c. Take certified samples of material used for public works
 - d. Obtain information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts.

3. Whom must the application be made to?

- The application must be made to the Public Information Officer of the concerned department.

4. Is there an application fee?

- Yes. The application fee is ₹10. It is to be paid by cash/demand draft/ bankers cheque/ court fee stamp.
- The fees regarding information are:
 - a. ₹2/- for information on A4/ A3 size paper. In case of a bigger size of paper, then actual cost of the paper.
 - b. For inspecting records: free for the first one hour. ₹5/- charged for every fifteen minutes after that.
 - c. ₹50 per diskette/ floppy for information provided on diskette/floppy.
 - d. Samples/models: actual cost of sample/model.
 - e. Written information: actual cost of publication.

5. What is the time limit for receiving information?

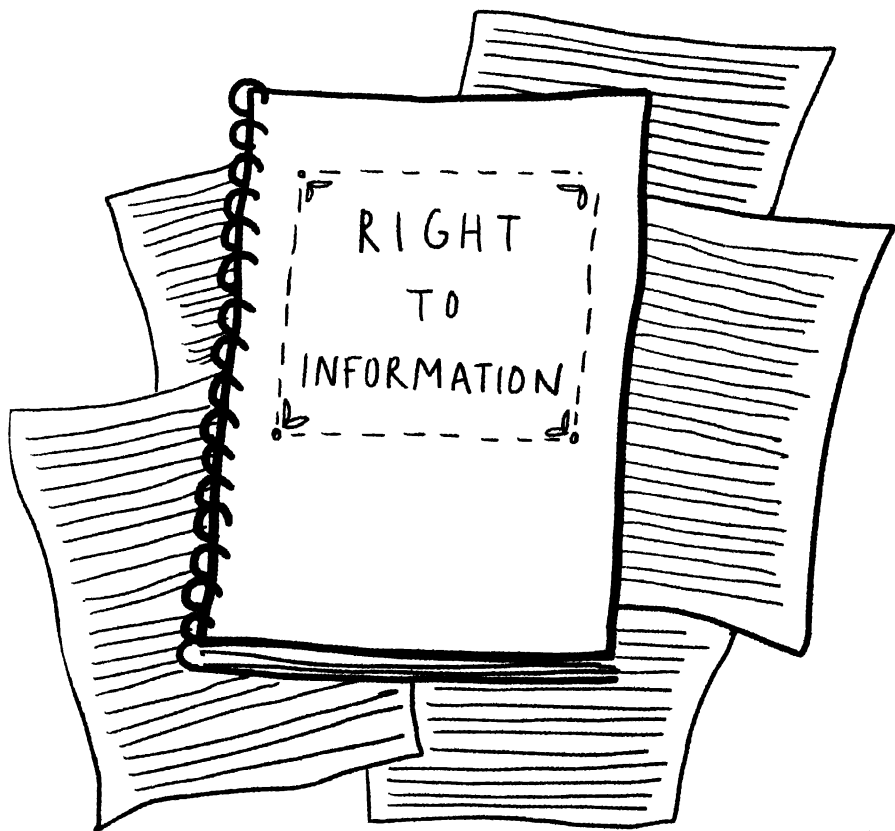
- Information has to be given/rejected by the Public Information Officers within:
 - a. 30 days for ordinary information
 - b. 48 hours for application seeking information regarding a person's life and his freedom.This is so because these are more critical issues.

6. What information can be rejected by the Public Information Officer?

- Any information that would affect the independence and unity of India.
- Any information that a court or tribunal (court-like body) has forbidden from being published.

7. What do you do if your application is rejected or you are aggrieved with the order?

- You can file an appeal with the Appellate Authority in the same department within 30 days from the date on which the order was given.
- You can file an appeal against the order of the Appellate Authority with the State Information Commission within 90 days from the date on which the order was given by the Appellate Authority



LIST OF ACTS:

1. Dowry Prohibition Act, 1961
2. Protection of Women from Domestic Violence, 2005
3. The Medical Termination of Pregnancy Act, 1971
4. Hindu Marriage Act, 1955
5. Hindu Marriage Adoption and Maintenance Act, 1956
6. Section 125 – 127 of the Crifminal Procedure Code, 1973)
7. Indian Christian Marriage Act, 1872
8. Divorce Act, 1869
9. Muslim Law (uncodified)
10. The Muslim Women (Protection of Rights Upon Divorce) Act, 1986
11. Sexual Harassment of Women at Workplaces (Prevention, Prohibition and Redressal) Act, 2013
12. Indian Penal Code 1860
13. Criminal Procedure Code, 1973
14. The Right of Children to Free and Compulsory Education (RTE) Act, 2009
15. Right to Information Act, 2005

GLOSSARY

Abort: Carrying out the end of the pregnancy, removing the pre-mature child from the body of the mother.

Accused: The person who is blamed by the victim for the crime or the person named in the FIR.

Aided school: A school that gets aid/grant from the government/ authorities to meet whole or part of it expenses.

Appeal: Applying to the higher court so that they may change the judgment or reverse it.

Appellate Authority: The court-like organisation created under the Right to Information Act, 2005, to help sort your problems if the Public Information Officers rejects your application and does not give you the information you want.

Arrest: Taking someone into custody and putting him in jail by legal permission.

Authorities: Any government official who has political or administrative power.

Bail: Temporary release of the accused person who is waiting for trial on some guarantee.

Bailable: In some cases the accused can apply for bail to the police station and generally the police would grant bail after taking some security.

Certified: Means an official confirmation that the document is an authentic or valid and true photocopy.

Citizens: Any person who is a national of India. Also called passport holder/subject.

Consent: Permission for something to happen or agreement to do something.

Crèche facility: A place where young children are cared for during the day while their parents do something else, especially work.

Custodial rape: When a man rapes a woman who is in his custody such as: a. Manager of a hospital/ clinic b. Manager or staff of jail/remand home/hospital c. Policeman d. Public servant.

Custody: Protective care of guardianship of someone.

Deadline: Latest time or date by which something should be completed or done.

Deceased: Dead.

Direction: Instructions or order by the Court.

Disabled: 'Disability' means: (a) Blindness; (b) Low vision; (c) Leprosy (even if it is cured); (d) Hearing impairment; (e) Loco motor disability; (f) Mental retardation; (g) Mental illness. Disabled means someone suffers from some disability.

District: Divided part of the State/ smaller area than a State (zila).

Elementary Education: Education from class 1 to class 8.

Employer: The person who employs you/your ultimate boss.

Establishment: Business organisation.

Examination: Detailed inspection

Dowry death: Death of a married woman because of demand of dowry or because she was driven to commit suicide or killed for dowry by her husband or his relatives or dies during harassment for dowry.

Entitle: To have a right/claim.

Gangrape. When a group of men force a woman to have sex with each one of them, one after the other.

Guardian: A person who is legally responsible for the care of another person and manages their affairs. Also referred to as custodian.

Iddat: It is the period a woman must observe after the death of her spouse or after divorce, during which she may not marry another man.

Intercourse: Coitus or copulation or vaginal sex.

Legal aid: Free legal advice to people who because of their financial status cannot afford a lawyer.

Mehr: It is a mandatory payment, in the form of money or possessions, paid by the groom or by the groom's father, to the bride at the time of marriage, that legally becomes her property.

Magistrate: A rank of judges in India for Criminal Courts. There are four levels of Magistrates in India

Maintenance: Financial support for living and daily expenses given by the man to the woman.

Medical practitioner: Someone who practises medicine.

Mental illness: A person who needs treatment; disorder of thinking, mood, perception, orientation or memory that does not let them take correct judgments and affects behaviour and capacity to understand the real world. Does not include retardation.

Metropolitan Court: Second-lowest level of criminal courts in India. These Magistrates cannot pass a sentence of jail for more than a year.

Miscarriage: Death of the child in the mother's womb.

Non-bailable: These are crimes of more serious nature and the accused can be granted bail only by the Court. The Judicial Magistrate may either grant bail or order police custody or judicial custody.

Offence: An illegal act or a breach of law or wrongdoing or violation of law

Order: Direction or instruction of the Courts of India.

Pornography: Printed or visual material containing sexual organs or sexual activities .

Presiding officer: Official who is in charge.

Property: Includes both movable and immovable property.

Psychiatrist: A doctor who specialises in treating mentally ill patients such as those suffering from some mental problem/disorder.

Psychologist: An expert in the psychology of people/ an expert in studying the mental behaviour and thinking pattern of human beings.

Punishable: Doing an act that is not allowed by law. It makes you a criminal and you can be punished by law.

Sexually coloured: Any word or comment that has some hidden or not-hidden sexual meaning.

Slavery: Condition of having to do a lot of hard work without proper pay

Stridhan: Any property or gift given to a woman before, after or at the time of marriage.

Superintendent: High-ranking police officer.

Trial: Formal inspection of evidence (proof) in front of a judge in court. It is also called case/ suit/ legal proceedings/ hearing.

Unaided School: A school that does not get any aid/grant from the government/authorities.

Flavia Agnes is an internationally-renowned legal scholar and a women's rights lawyer. She is the founder of Majlis and the director of Majlis Legal Centre which has been providing litigation support to women in cases of domestic and sexual violence. Several of her books are prescribed textbooks in law universities in the country and are used in judicial and police academies as resource material. The most significant among these is her book, Family Law in two volumes (volume I – Personal Law and Constitutional Rights and Volume II – Marriage, Divorce and Matrimonial Litigation), published by Oxford University Press.

*For further information and to sponsor a victim write to
majlislaw@gmail.com*

Compiled by
MAITHALI PAREKH AND
ROHIL BANDEKAR
Illustrations by
SVABHU KOHLI

VOGUE
INDIA